

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes formal drawings for all figures.

Attachment:      Replacement sheet

### **REMARKS**

Applicant amends claims 1, 9, 12, 14, 17, 20, 38, 43, and 55. Hence, claims 1-2, 5, 8-12, 14-17, 19-20, 22-23, 38-44, and 53-58 are pending, of which claims 1, 9, 14, 17, 20, 38, 43, and 55 are independent. Applicant notes with appreciation that the Examiner deems claims 54 and 58 to recite allowable subject matter. For the reasons set forth below, Applicant respectfully submits that the pending claims define over the art of record.

#### **Drawings Objection**

Applicant submits herewith formal drawings corresponding to the drawings submitted on March 16, 1999. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding objection to the drawings.

#### **Claim Rejections under 35 U.S.C. §101**

Claims 1, 2, 5, 8-12, 14-17, 19-20, 22, 23, 38-44, 53-58 are rejected under 35 U.S.C. §101 for directing to non-statutory subject matter. Applicant has amended independent method claims 1, 9, 17, 38 and 55 to clarify that the method is a computer implemented method. Independent method claim 14 specifies that it is a method with computer-implemented steps and therefore is directed to statutory subject matter. Independent claim 20 is a system claim and is also directed to statutory subject matter. Furthermore, independent claim 43 is a computer-readable medium claim, where the medium holds computer-executable instructions for a method. Claim 43 is also directed to statutory subject matter. Applicant respectfully submits that all the claims are within the statutory subject matter and requests that the Examiner withdraws the outstanding 35 U.S.C. §101 rejection.

#### **Claim Rejections under 35 U.S.C. §102**

All the pending claims are rejected under 35 U.S.C. §102(b) as anticipated by United States Patent No. 6,557,054 to Reisman (hereafter "Reisman"). To establish a prima facie case of anticipation, a single prior art reference must expressly or inherently disclose each and every element of the rejected claims. Applicant respectfully submits that Reisman does not disclose each and every element of independent claims 1, 9, 14, 17, 20, 38, 43, and 55.

All the pending independent claims include the limitation of an index provided by a publishing master/server. The index shows a list of packages that is available for a client system to load. A package may be a computer program or a patch for a computer program. Applicant respectfully submits that Reisman does not teach the limitation of an index provided by a publishing master/server.

Reisman focuses on providing a method of importing updates from periodical publications and software upgrades to a current version that is on a single computer. Reisman discusses the use of indexes on a computer to display both the new and old materials together so that it is easier for a user to view, browse, and search the periodical publications. *See* Reisman, Col. 9 lines 12-25 and 38-42. Nowhere does Reisman discuss using an index on a publishing master/server to list available packages for a client to load. The Examiner speculates on page 4 of the Office Action that #12 and #32 show a database with indexes to products. However, both #32 and #12 are a part of a user's computer workstation, and not a publishing master/server. *See* Reisman, Col. 7 lines 26-28 and lines 34-36. Accordingly, Applicant respectfully submits that Reisman does not disclose each and every element and limitation of the pending independent claims. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of the independent claims.

Applicant notes that the dependent claims recite separate patentable subject matter. For example, claims 2, 40, and 44 include the limitation of the selected package being loaded without registration of the client system with the publishing master. Typically, a client system need to register with a publishing master to obtain software packages, however, the registration can cause unnecessary overhead for providing the service of providing software packages. For this and the reasons set forth above, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of the dependent claims.

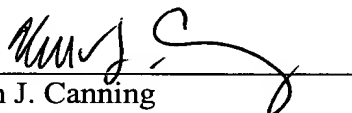
**CONCLUSION**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-011 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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Attachments